

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

HUNTSMAN CORPORATION,

§

Plaintiff,

§

VS.

§

INTERNATIONAL RISK INSURANCE  
COMPANY,

§ CIVIL ACTION NO. H-08-1542

Defendant/Third-Party Plaintiff,

§

VS.

§

ACE AMERICAN INSURANCE  
COMPANY, *et al.*,

§

Third-Party Defendants.

§

**ORDER OF DISMISSAL**

Plaintiff Huntsman Corporation (“Huntsman”), Defendant/Third-Party Plaintiff International Risk Insurance Company (“IRIC”), and Third-Party Defendants Ace American Insurance Company, AIG Casualty Company f/k/a Birmingham Fire Insurance Company of Pennsylvania, Allianz Global Risks US Insurance Company, Arch Reinsurance Company of Nebraska, and Zurich American Insurance Company (collectively, “served Third-Party Defendants”), have entered into a joint stipulation agreeing to the dismissal with prejudice of the above-captioned action. The stipulation specifies that the agreed dismissal is for the purpose of resolving the remaining disputes between most of the third-party defendants and Huntsman in mediation or arbitration pursuant to the Settlement Agreement and Arbitration Submission Agreement dated December 29, 2008

(“Settlement Agreement”) (attached as Exhibit A to the parties’ joint stipulation).<sup>1</sup>

The court, having considered the joint stipulation, and in accordance with this court’s memorandum and opinion of the same date, enters the following orders:

1. The claims by Huntsman against IRIC are dismissed with prejudice.
2. The claims by IRIC against the served Third-Party Defendants are dismissed with prejudice.
3. The claims by IRIC against the unserved Third-Party Defendants, AXIS Specialty Limited Bermuda; Limit No. 2, Ltd.; Commonwealth Insurance Company; HDI Industrie Versicherung AG; Simon Andrew White as Lead Underwriter for Heritage Syndicate 1200 ROC at Lloyd’s, in his Individual Capacity; R. J. Kiln & Company, Ltd.; Cathedral Underwriting, Ltd.; Munich Reinsurance Company; Partner Reinsurance Company, Ltd.; SCOR UK Company, Ltd.; Swiss Reinsurance Company; and Wurttembergische Versicherung AG, are dismissed with prejudice.
4. This action is dismissed with prejudice.
5. The dismissals set forth in paragraphs 1 through 4 are for the express purpose of permitting resolution of the remaining disputes between the third-party defendants and Huntsman in mediation or arbitration pursuant to the Settlement Agreement. The dismissals do not preclude Huntsman from pursuing its coverage and quantum claims in arbitration against the third-party defendants. The dismissal of Swiss Reinsurance Company is with prejudice pursuant to a separate stipulation and order. The claims by and against Swiss Reinsurance Company will not be pursued

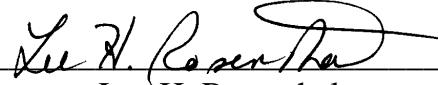
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<sup>1</sup> The Settlement Agreement specifies that third-party defendant Swiss Reinsurance Company will not be a party in the mediation or arbitration.

in mediation or arbitration.

6. All parties will bear their own fees and court costs.

SIGNED on February 19, 2009, at Houston, Texas.



Lee H. Rosenthal  
United States District Judge